

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JANICE NOWELL,

Plaintiff,

v.

Case No. 1:17-cv-01010-GJF-SMV

MEDRONIC, INC., a Minnesota Corporation;
COVIDIEN PLC, an Irish Corporation;
COVIDIEN, LP, a Delaware Limited Partnership;
and MEDTRONIC PLC, an Irish Corporation,

Defendants.

DEFENDANT MEDTRONIC INC.'S MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Medtronic Inc.

(“Defendant”) files this Motion to Dismiss Plaintiff Janice Nowell’s Complaint for failure to adequately state claims upon which relief can be granted. The bases for this motion are set forth in the accompanying Memorandum in Support.

WHEREFORE, Defendant respectfully requests that the Court enter an Order granting their Motion to Dismiss.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/ Alex Walker

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WE HEREBY CERTIFY that on the 7th day of December, 2017, we filed the foregoing electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/ Alex Walker
Alex C. Walker

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